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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/648,946
Filing Date	August 26, 2003
First Named Inventor	Daniel V. SANTI
Art Unit	1625
Examiner Name	Amelia A. OWENS
Attorney Docket Number	010069.01

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Reference
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement, Form PTO-1449	<input type="checkbox"/> Request for Refund	2. Confirmation Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Yuan Chao, Reg. 32,118
Signature	
Date	July 21, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Nancy Impey		
Signature		Date	July 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop: _____ Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Appl'n of: Santi *et al.*

Att'y Ref. No.: 010069.01

Appl'n No.: 10/648,946

Filed: Aug. 26, 2003

Group Art Unit: 1625

Examiner: Amelia A. Owens

Title: Motilide Compounds

Mailing Address: Kosan Biosciences, Inc.
3832 Bay Center Place
Hayward, CA 94545

RESPONSE TO OFFICE ACTION AND
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

RESPONSE TO OFFICE ACTION

In response to the restriction requirement in the Office Action mailed June 22, 2004, Applicant elects Group I, claims 1-13. The election is made without traverse.

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date given below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name of person signing certificate: Nancy Impey
Signature: Nancy Impey Date: 7.21.2004

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Second Supplemental Information Disclosure Statement ("2nd Supplemental IDS") is submitted to the Patent Office in accordance with the duty of candor and good faith under 37 CFR §1.56. The Examiner is requested to consider the cited information in the examination of this application.

The cited information is listed in the accompanying Form PTO-1449 (1 sheet total), submitted in duplicate. The Examiner is requested to return an initialed and signed copy of the form PTO-1449, in accordance with MPEP §609.

The citation of a particular item of information is not intended to be, and should not be construed as, an admission that such item of information is material to patentability as defined in 37 CFR §1.56 or qualifies as "prior art" within the meaning of applicable law. The materiality and "prior art" status of any item of information is a matter to be resolved during examination.

This Second Supplemental IDS is submitted under the provisions of 37 CFR §1.97(b)(3), that is, before the mailing of a first Office Action on the merits. Therefore, no fee, certification or other formality is required. However, in the event a fee is required, the Commissioner is authorized to charge such fee (including but not limited to any fee(s) that might be required under 37 C.F.R. §§1.16, 1.17, or 1.18) against Deposit Account No. 50-2544.

Consideration of the cited information in the examination of this application is respectfully requested.

Respectfully submitted,

July 21, 2004
Date

Yuan Chao
Yuan Chao
Reg. No. 32,118
Telephone (510) 751-5156
Facsimile (510) 751-5143

Sheet 1 of 1**INFORMATION DISCLOSURE STATEMENT
IN AN APPLICATION***(Use several sheets if necessary)*Docket No. (optional)
010069.01Application Number:
10/648,946Applicant:
Santi *et al.*Filing Date:
Aug. 26, 2003Group Art Unit:
1625**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Sub-class	Filing Date if Appropriate

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Sub-class	Translation enclosed?
	WO 2004/013153 A2	02/2004	PCT			n/a

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, etc.)*

Examiner Initial	Details of Document	Translation enclosed?

Examiner

Date considered

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.